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10/720,068	11/25/2003	Nick Hsu	BHT-3215-58	4202

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 05/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,068

Applicant(s)

HSU, NICK

Examiner

Michael Butler

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claim(s) 1 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Wrobel

4262835 which discloses all the claimed elements including:

(Re; 1) A window tab storage case comprising a hollow base having an arcuate basal side, two top side edges, at least one lip integrally formed on the top side edges to form a cutout, and a bottom surface, a holding tub mounted inside the hollow base and having a top edge, an outer bottom surface, at least one second cutout defined in the top edge and facing respectively to the at least one first cutout in the hollow base, a central cavity defined in the holding tub, and two lateral cavities defined in the holding tub and beside the central cavity, multiple window tabs, each window tab respectively received inside one of the lateral cavities and having multiple tabs inside the window tab, and a top cap mounted on the hollow base and having a bottom side edge, and at least one third cutout defined in the bottom side edge and faced respectively to the at least one first cutout in the hollow base to form at least one opening in the window tab storage case, wherein one of the tabs extends from the opening (c2 L 10 c 3 L 36).

3. Claims 1-2 is rejected under 35 U.S.C. 102(b) as being anticipated by applicant's

Windorski 4921127 which discloses all the claimed elements including:

(Re; 1) A window tab storage case comprising a hollow base having an arcuate basal side (c3 L 49-51), two top side edges, at least one lip integrally formed on the top side edges to form a cutout, and a bottom surface, a holding tub mounted inside the hollow base and having a top edge, an outer bottom surface, at least one second cutout defined in the top edge and facing respectively to the at least one first cutout in the hollow base (c3 L 56-c4 L 37), a central cavity defined in the holding tub, and two lateral cavities defined

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in the holding tub and beside the central cavity (116 fig 18; above 66 fig 11), multiple window tabs, each window tab respectively received inside one of the lateral cavities and having multiple tabs inside the window tab, and a top cap mounted on the hollow base and having a bottom side edge, and at least one third cutout defined in the bottom side edge and faced respectively to the at least one first cutout in the hollow base to form at least one opening in the window tab storage case, wherein one of the tabs extends from the opening (c3 L 56-c4 L 37)
(re: cl 2) wherein a counterweight is mounted inside the hollow base (c8 L 25-51).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) 1-6 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wrobel in view of Ko et al. 5271522 wherein the former discloses the elements previously discussed and further discloses:

(Re; 1) A window tab storage case comprising a hollow base having an arcuate basal side (11), two top side edges, at least one lip integrally formed on the top side edges to form a cutout (left figs 2-5), and a bottom surface, a holding tub mounted inside the hollow base and having a top edge, an outer bottom surface, at least one second cutout defined in the top edge and facing respectively to the at least one first cutout in the hollow base, a central cavity defined in the holding tub, and two lateral cavities defined in the holding tub and beside the central cavity, multiple window tabs, each window tab respectively received inside one of the lateral cavities and having multiple tabs inside the window tab (c2 L 10 c 3 L 36), and a top cap (17) mounted on the hollow base and having a bottom side edge, and at least one third cutout defined in the bottom side edge and faced respectively to the at least one first cutout in the hollow base to form at least one opening in the window tab storage case, wherein one of the tabs extends from the opening (c2 L 10 c 3 L 36)

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(re: cl 3) wherein the hollow base further comprises a longitudinal post formed on an inner bottom surface (14)

(Re: cl 5) wherein the hollow base has two lips respectively formed on the top side edge and formed two first cutouts, the holding tub has two second cutouts facing respectively to the two first cutouts in the hollow base, and the top cap has two third cutouts defined in the bottom side edge, wherein the third cutouts are respectively faced to the first cutouts in the hollow base to form a front opening and a rear opening (left figs 2-5)

(re: cl 6) each lateral cavity further comprises two inserted slots communicated respectively with the lateral cavities (23, 24).

The latter discloses any elements not inherently taught by the former including:

(re: cl 2) wherein a counterweight is mounted inside the hollow base (25) and the post on the holding tub is inserted into the top portion of the through hole in the counterweight, and a fastener is extended through the post of the holding tub then fixed in the longitudinal post (26)

(Re: cl 3)

the counterweight further comprises a through hole with a top portion and a bottom portion, the bottom portion receives the longitudinal post of the hollow base, and the holding tub further comprises a post formed on the outer bottom surface,

(re: cl 4) wherein the counterweight has an arcuate bottom surface to abut the inner bottom surface shaped as an arcuate surface of the hollow base (25 fig 1).

It would have been obvious for Wrobel to include a counterweight to apply a feed force to the labels and to upright stabilize the dispenser as taught by Ko et al. and come up with the instant invention. It would have been obvious for Wrobel to lock the counterweight in place as taught by Ko et al. and come up with the instant invention.

It would have been obvious for Wrobel to make the counterweight arcuate to provide a universal tension and to contour to a round bottom cavity as taught by Ko et al. and come up with the instant invention.

6. Claim(s) 1-3 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Wrobel in view of Shieh 6514369 wherein the former discloses the elements previously discussed and further discloses:

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(Re; 1) A window tab storage case comprising a hollow base having an arcuate basal side (11), two top side edges, at least one lip integrally formed on the top side edges to form a cutout (left figs 2-5), and a bottom surface, a holding tub mounted inside the hollow base and having a top edge, an outer bottom surface, at least one second cutout defined in the top edge and facing respectively to the at least one first cutout in the hollow base, a central cavity defined in the holding tub, and two lateral cavities defined in the holding tub and beside the central cavity, multiple window tabs, each window tab respectively received inside one of the lateral cavities and having multiple tabs inside the window tab (c2 L 10 c 3 L 36), and a top cap (17) mounted on the hollow base and having a bottom side edge, and at least one third cutout defined in the bottom side edge and faced respectively to the at least one first cutout in the hollow base to form at least one opening in the window tab storage case, wherein one of the tabs extends from the opening (c2 L 10 c 3 L 36).

(re: cl 3) wherein the hollow base further comprises a longitudinal post formed on an inner bottom surface (14)

(Re: cl 5) wherein the hollow base has two lips respectively formed on the top side edge and formed two first cutouts, the holding tub has two second cutouts facing respectively to the two first cutouts in the hollow base, and the top cap has two third cutouts defined in the bottom side edge, wherein the third cutouts are respectively faced to the first cutouts in the hollow base to form a front opening and a rear opening (left figs 2-5)

(re: cl 6) each lateral cavity further comprises two inserted slots communicated respectively with the lateral cavities (23, 24)

The latter discloses any elements not inherently taught by the former including:

(re: cl 2) wherein a counterweight is mounted inside the hollow base (c8 L 8-27; 80, 85) and the post on the holding tub is inserted into the top portion of the through hole in the counterweight, and a fastener is extended through the post of the holding tub then fixed in the longitudinal post (c8 L 8-61; 80, 85)

(Re: cl 3) the counterweight further comprises a through hole with a top portion and a bottom portion, the bottom portion receives the longitudinal post of the hollow base, and the holding tub further comprises a post formed on the outer bottom surface (c8 L 8-61).

It would have been obvious for Wroble to use a counterweight to return the feed mechanism after dispensing a label as taught by Shieh and come up with the instant invention.

7. Claim(s) 1-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Windorski in view of Ko et al. 5271522 wherein the former discloses the elements previously discussed and further discloses:

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(re: cl 4) (3) wherein the counterweight has an arcuate bottom surface to abut the inner bottom surface shaped as an arcuate surface of the hollow base (c8 L 25-51)

(Re: cl 5) (4) wherein the hollow base has two lips respectively formed on the top side edge and formed two first cutouts, the holding tub has two second cutouts facing respectively to the two first cutouts in the hollow base, and the top cap has two third cutouts defined in the bottom side edge, wherein the third cutouts are respectively faced to the first cutouts in the hollow base to form a front opening and a rear opening (18 fig 1)

The latter discloses any elements not inherently taught by the former including:

(Re: cl 3) the counterweight further comprises a through hole with a top portion and a bottom portion, the bottom portion receives the longitudinal post of the hollow base, and the holding tub further comprises a post formed on the outer bottom surface,

(re: cl 4) wherein the counterweight has an arcuate bottom surface to abut the inner bottom surface shaped as an arcuate surface of the hollow base (25 fig 1).

It would have been obvious for Windorski to lock the counterweight in place as taught by Ko et al. and come up with the instant invention. It would have been obvious for Windorski to make the counterweight arcuate to provide a universal tension and to contour to a round bottom cavity as taught by Ko et al. and come up with the instant invention.

8. Claim(s) 1-5 is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Windorski in view of Crawford et al. 5964375 wherein the former discloses the elements previously discussed and further discloses:

(re: cl 4) wherein the counterweight has an arcuate bottom surface to abut the inner bottom surface shaped as an arcuate surface of the hollow base (c8 L 25-51)

(Re: cl 5) wherein the hollow base has two lips respectively formed on the top side edge and formed two first cutouts, the holding tub has two second cutouts facing respectively to the two first cutouts in the hollow base, and the top cap has two third cutouts defined in the bottom side edge, wherein the third cutouts are respectively faced to the first cutouts in the hollow base to form a front opening and a rear opening (18 fig 1)

The latter discloses any elements not inherently taught by the former including:

and the post on the holding tub is inserted into the top portion of the through hole in the counterweight, and a fastener is extended through the post of the holding tub then fixed in the longitudinal post (c11 L 41- c12 L 22)

(Re: cl 3) the counterweight further comprises a through hole with a top portion and a bottom portion, the bottom portion receives the longitudinal post of the hollow base, and the holding tub further comprises a post formed on the outer bottom surface (c11 L 41- c12 L 22)

(re: cl 4) wherein the counterweight has an arcuate bottom surface to abut the inner bottom surface shaped as an arcuate surface of the hollow base (c11 L 41- c12 L 22)

(re: cl 6) each lateral cavity further comprises inserted slots communicated respectively with the lateral cavities (64 fig 9).

It would have been obvious for Windorski to lock the counterweight in place as taught by Crawford et al. and come up with the instant invention. It would have been obvious for Windorski to make the counterweight arcuate to provide a universal tension and to contour to a round bottom cavity as taught by Crawford et al. and come up with the instant invention. . It would have been obvious for Windorski to include an insertable slot communicated with the cavities as a quick refill magazine as taught by Crawford et al. and come up with the instant invention.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

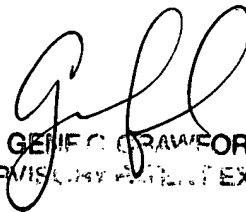
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford, can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER